

Application No.: 09/859,078

Docket No.: 29876/37280

REMARKS

Claims 1-12 are pending in the present application. Claims 1-12 have been amended. Additionally, claims 1-12 presently stand rejected. The Applicants respectfully request reconsideration of the rejections of claims 1-12 based on the following comments.

With respect to the amendments made to the claims, the Applicants submit that support for these amendments may be found in the specification at least on page 1, lines 10-16 describing the equivalency of flooring strips and planks, which are used to form an assembled floor. Additionally, the figures illustrate that the first layer 12 includes a plurality of strips 16, which are elongate members, as well as a second layer 18 having a plurality of strips 20 or "members."

Claims 1, 2, 4 and 5 have been rejected 35 U.S.C. §102(b) as being anticipated by Penland (U.S. Patent 5,822, 944). The Applicants respectfully traverse this rejection based on the following comments.

The Office Action asserts that Penland discloses the claimed features include mat units 10 having a first layer 12 of parallel wooden boards 16 and a second layer 14 also formed of a plurality of parallel board connected substantially perpendicular to the boards of the first layer 12. Further, the Office Action asserts that the mat units 10 are considered the equivalent of the claimed plank. Penland, however, teaches that the mat units 10 include wooden boards (16 or 26, for example) that each constitute a hard wood board eight inches wide by two inches thick (Col. 6, ll. 50-55). Thus, the mat units 10 are constructed of a number of planks and one of ordinary skill in the art would not reasonably interpret or consider the mat units 10 themselves to constitute a "plank." Thus, the applicants respectfully submit that Penland does not reasonably disclose or suggest a flooring plank.

Notwithstanding, the Applicants have amended the claims to recite a "flooring strip" in the alternative to a "plank." Nonetheless, the Applicants point out that the specification clearly describes that flooring strips and flooring planks are equivalent, as known in the art, and that the amendments to claims are merely substituting one equivalent term for another. Because Penland does not teach or suggest a flooring strip or plank having the claimed features, the Applicants respectfully submit that claims 1, 2, 4 and 5 are

Application No.: 09/859,078

Docket No.: 29876/37280

allowable over the prior art of record.

Claims 3 and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Penland in view of Burlant. The Applicants respectfully traverse this rejection and submit that these claims are allowable at least by virtue of their dependency upon independent claim 1.

Claim 7 is rejected under §103(a) as being unpatentable over Penland in view of Chen. Again, this claim is believed to be allowable at least by virtue of its dependency upon independent claim 1.

Claims 8-12 are rejected under §103(a) as being unpatentable over Penland in view of Burlant in further view of Wu. The Applicants respectfully submit that these claims are allowable for at least the reasons discussed above with respect to independent claim 1.

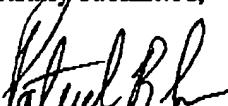
Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

The Applicants respectfully submit that claims 1-12 are allowable over the prior art of record and request that a timely Notice of Allowance be issued in this case.

Dated: September 5, 2002

Respectfully submitted,

By


Patrick B. Law
Registration No.: 41,549
MARSHALL, GERSTEIN & BORUN
233 S. Wacker Drive, Suite 6300 Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicants

Application No.: 09/859,078

Docket No.: 29876/37280

Version With Markings to Show Changes Made

In the claims:

1. (Amended) For use in forming a floor assembly comprising a plurality of flooring strips, a [A] flooring [plank] strip[,] comprising:
a first layer including a first plurality of [strips] elongate members that are secured together, each of the first plurality of [strips] elongate members having a grain extending generally in a longitudinal direction of the flooring strip [plank]; and
a second layer secured to one face of the first layer, the second layer including a second plurality of spaced [strips] members each having a grain extending generally transversely to the longitudinal direction of the [plank] flooring strip.
2. (Amended) The flooring [plank] strip according to claim 1, wherein each of the [strips] elongate members of the first plurality is composed of at least one of bamboo and wood.
3. (Amended) The flooring [plank] strip according to claim 1, wherein another face of the first layer is coated with at least one coat of acrylic urethane.
4. (Amended) The flooring [plank] strip according to claim 1, further including at least one tongue configured to mate with at least one groove of another flooring [plank] strip.
5. (Amended) The flooring [plank] strip according to claim 1, further including at least one groove configured to receive at least one tongue of another flooring [plank] strip.
6. (Amended) The flooring [plank] strip according to claim 1, further including at least one coat of acrylic urethane disposed on multiple surfaces thereof.
7. (Amended) The flooring [plank] strip according to claim 1, having at least one application of aluminum oxide disposed thereon.
8. (Twice Amended) For use in forming a floor assembly comprising a plurality of flooring strips, a [A] flooring [plank] strip[,] comprising:

Application No.: 09/859,078

Docket No.: 29876/37280

a first layer comprising a first plurality of bamboo [strips] elongate members secured together in side-by-side relation, wherein each [strip] elongate member of the first plurality has a grain extending generally parallel to a longitudinal dimension of the [plank] flooring strip; and

a second layer secured to one face of the first layer, wherein the second layer includes a second plurality of spaced [strips] members each having a grain extending generally transverse to the longitudinal dimension of the [plank] flooring strip.

9. (Amended) The flooring [plank] strip of claim 8, wherein each of the second plurality of [strips] members is made of one of bamboo and wood.

10. (Amended) The flooring [plank] strip of claim 9, wherein the grain of each [strip] member of the second plurality is disposed substantially perpendicular to the longitudinal dimension of the flooring strip.

11. (Amended) The flooring [plank] strip of claim 10, further including a coat of acrylic urethane disposed on another face of the first layer.

12. (Amended) The flooring [plank] strip of claim 11, further including a tongue disposed at a first side of the [plank] flooring strip and a groove disposed at a second side of the [plank] flooring strip.